

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

FILED

JUL 12 2013

DALE E. LIETKE,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting,
Commissioner of the Social Security
Administration,¹

Defendant.

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKLA.
BY Yuh DEPUTY

No. CIV-12-422-W

ORDER

On June 27, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Dale E. Lietke be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object, but neither party has objected to the Report and Recommendation within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's finding that remand of this matter is warranted because the decision of the Administrative Law Judge is not supported by substantial evidence. As Magistrate Judge Erwin noted, the Commissioner on remand should develop the record regarding the severity of Lietke's

¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

cognitive and mental impairments.

Accordingly, the Court

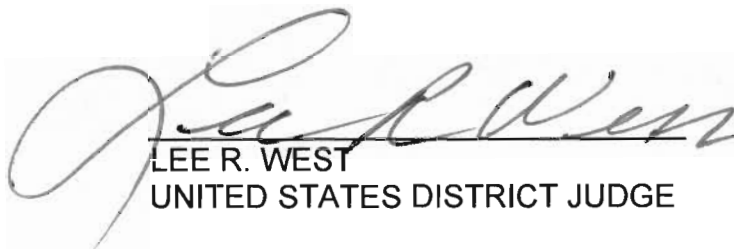
(1) ADOPTS the Report and Recommendation [Doc. 26] issued on June 27, 2013;

(2) REVERSES the Commissioner's decision denying Lietke's Applications for Disability Insurance Benefits and Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order shall issue forthwith.

ENTERED this 12th day of July, 2012.



LEE R. WEST
UNITED STATES DISTRICT JUDGE